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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,873	12/08/2000	Ping Yang	03-12861	3134
25189	7590	08/06/2004	EXAMINER	
CISLO & THOMAS, LLP 233 WILSHIRE BLVD SUITE 900 SANTA MONICA, CA 90401-1211			VAN DOREN, BETH	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/733,873

Applicant(s)

YANG, PING

Examiner

Beth Van Doren

Art Unit

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*hkw*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-70 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-8, 11, 30-39, 42, and 62-70, drawn to dispatching a mobile pickup station containing an ordered product of a buyer to a selected pickup point along a route of the buyer, classified in class 705, subclass 8.
  - II. Claims 9-10 and 40-41 drawn to determining a store at which a buyer can purchase a specific product based on the product information and the route information of the buyer, classified in class 705, subclass 10.
  - III. Claims 12-17, 25-29, 43-47 and 54, drawn to selecting a fixed pickup station and delivering a product to the fixed pickup station for pickup by the buyer, classified in class 705, subclass 9.
  - IV. Claims 18-24 and 48-53, drawn to scheduling the pickup of a package from a user by dispatching a mobile pickup station to a pickup point along the user's route, classified in class 705, subclass 8.
  - V. Claims 55-57, drawn to displaying products to a user via a server and communications network based on receiving from the user a product specification and product category, classified in class 705, subclass 27.
  - VI. Claims 58-61, drawn to a buyer purchasing a product via a communications network and server, the server receiving preferred products of the buyer and a date and then ordering the selected product on the specified date, classified in class 705, subclass 26.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I-VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. See MPEP § 806.05(d). In the instant case, invention I has separate utility such as movable pickup locations that contain the ordered product (i.e. the mobile station is not a fixed location as in group III, the station is not a store as in group II, the mobile station delivers a product and does not pickup a package from a user as in group IV, and group I does not discuss displaying or ordering products over a network as in groups V and VI).

Invention II has separate utility such as locating a store for a buyer based on a wanted product (i.e. there is no delivered product as in groups I and III, no package pickup from a user as in group IV, and there is no remote displaying or ordering of products over a network as in groups V and VI).

Invention III has separate utility such as a fixed pickup location for a user to pickup a purchased product (i.e. there is no moveable pickup location as in group I, there is no store selection as in group II, there is no package pickup from a user as in group IV, and there is no remote displaying or ordering of products over a network as in groups V and VI).

Invention IV has separate utility such as picking up a package from a user (i.e. there is no product delivery as in groups I and III, there is no selection of a store as in group II, and there is no remote displaying or ordering of products over a network as in groups V and VI).

Invention V has separate utility such as displaying products to a user via a server and communications network based on receiving from the user a product specification and product category (i.e. there is no product delivery as in groups I and III, there is no selection of a store as

in group II, there is no package pickup as in group IV, and there is no product purchasing by a specific date as in group VI).

Invention VI has separate utility such as a buyer purchasing a product via a server, the server ordering the selected product on a specified date as specified by the buyer(i.e. there is no product delivery as in groups I and III, there is no selection of a store as in group II, there is no package pickup as in group IV, and there is no product displaying based on product categories as in group V).

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II – VI, the search required for group II is not required for groups I and III-VI, the search required for group III is not required for groups I, II, and IV-VI, the search required for group IV is not required for groups I-III and V-VI, the search required for group V is not required for groups I-IV and VI, and the search required for group VI is not required for groups I-V, restriction for examination purposes as indicated is proper.

4. No telephone call was made to the Applicant because the current requirement for restriction is complex. See MPEP § 812.06.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bvd

July 29, 2004



TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
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